

1. Plaintiff, Mr. Richard Hardman (“Mr. Hardman”), is an individual who is a citizen of the State of Texas.
2. On information and belief, Defendant Devon Energy Corporation. (“Devon” or “Defendant”) is a corporation organized under the laws of the state of Delaware. It has principal place of business located at, 20 N Broadway, Oklahoma City, OK 73102. Devon conducts regular business in this district at 1200 Smith Street Suite 3300,

Houston, TX 77002 Defendant may be served process through its registered agent for process, Corporation Service Co., 800 Brazos St., Suite 750, Austin, Texas 78701.

II. Jurisdiction and Venue

3. Jurisdiction is proper in this court under 28 USC § 1331. This case deals with copyrightable material as protected by 17 USC § 101 *et. seq.*
4. Venue is proper in this district under 28 USC § 1391(c). Defendant Devon maintains a place of business within the district and is subject to personal jurisdiction in this district.

III. Conditions Precedent

5. All conditions precedent have been performed or have occurred.

IV. Count I—Copyright Infringement

6. Plaintiff, a U.S. citizen, created an original software entitled Induction Log Simulation (the “Software”). This software is copyrightable subject matter under the laws of the United States.
7. Plaintiff complied in all respects with the Copyright Act, 17 USC § 101 *et. seq.*, and with all other laws governing copyrights. Since 1990, Plaintiff has been the sole proprietor of all rights, title and interest in and to the copyright on the Software. Since 1990, Plaintiff has, on occasion, granted limited, non-exclusive licenses of the Software to various licensees. The licenses granted were limited to use of the Software. Distribution rights were not granted.
8. Defendant received a copy of the Software after 1990 from one of these licensees. Defendant infringed Plaintiff’s copyright by publishing and using the Software for financial gain in violation of Plaintiff’s rights, title and interest in the Software.
9. Defendant willfully infringed plaintiff’s copyrighted work.

10. Plaintiff notified Defendant that Defendant has infringed Plaintiff's copyright, but Defendant has continued to infringe the copyright.

V. Damages

11. As a direct and proximate result of Defendant's conduct, Plaintiff suffered the following damages:

- a. Actual damages;
- b. Lost profits;
- c. Statutory Damages; and
- d. Statutory damages for willful infringement.

VI. Attorney Fees

12. Plaintiff is entitled to an award of attorney fees and costs under 17 USC § 505.

VII. Prayer

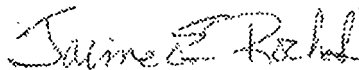
WHEREFORE PREMISES considered, Plaintiff, Mr. Richard Hardman prays for a judgment against Defendant as follows:

- A. Defendant pay Plaintiff \$200,000 for actual damages, plus the amount of Defendant's profits attributable to the infringement, or in the alternative, defendant pay Plaintiff statutory damages, as authorized by 17 USC § 504(c);
- B. Defendant pay Plaintiff pre-judgment and post-judgment interest as allowed by law;
- C. All costs of suit;
- D. For its reasonable attorneys' fees as allowed by law;
- E. Defendant pay Plaintiff additional damages for willfully infringing Plaintiff's copyright, as authorized by 17 USC § 504(c)(2); and

F. For such other and further relief as the Court may deem just and proper and any other relief to which it is entitled under law or equity.

Respectfully submitted,

The Rocha Law Firm, PLLC

A handwritten signature in cursive script, appearing to read "Jaime E. Rocha".

Jaime E. Rocha
Attorney in Charge
SBN# 24037376
SD of Texas # 33463
3730 Kirby Dr.
Suite 1200
Houston, Texas 77098
713-533-1551 phone
713-807-8005 facsimile
Attorney for Plaintiff